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ABSTRACT

An update on academic freedom cases and complaints made to the American Association of University Professors (AAUP) is presented. AAUP responded to 1,222 academic freedom cases in 1986, an increase of 20% in the number of cases handled in the 2 preceding years. Two institutions were added to AAUP's list of censured administrations: Clark College (Georgia), and Talledega College (Alabama). In addition, three institutions were removed from the list: Troy State University (Alabama), censured 1969, Laredo Junior College (Texas), censured 1971, and Voorhees College (Texas), censured 1974. The full texts of the recommendations concerning censure for these five colleges are presented. Information is also provided on the University of Northern Colorado, which was placed on the list of censured administrations in 1984. Additional schools that were investigated by AAUP for issues such as excessive use of probation and nonrenewal of contracts of long-time faculty are also covered: Pennsylvania State University, Mount Ida College (Massachusetts), Jackson State University (Mississippi), and Seton Hall University (New Jersey). A chart provides information on the status of cases and complaints for 1981 through 1986. (SW)





EWS RELEASE

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> June 13, 1986 FOR IMMEDIATE RELEASE

NUMBER OF ACADEMIC FREEDOM CASES INCREASED BY 20 PERCENT IN 1986

Institutions Added To AAUP List Of Censured Administrations; Three Others Were Removed

AAUP responded to 1,222 academic freedom cases and complaints in 1986, an increase of 20 percent in the number of cases handled in the two preceding years. "Faculty are less optimistic about litigation, " according to Jordan E. Kurland, staff director of AAUP's Committee A on Academic Freedom and Tenure, "and are turning to professional rather than legal means to resolve issues."

Delegates to the 72nd Annual Meeting of the American Association of University Professors voted to add two institutions to the Association's list of Censured Administrations. At the same time, the delegates voted to remove three institutions from the list. The number of institutions on the list is now 49.

Censure is the procedure used by the Association to inform the academic community that administrations of particular institutions are not observing the generally recognized

continued



principles of academic freedom and tenure endorsed by the American Association of University Professors, the Association of American Colleges, and by 115 other professional educational organizations.

AAUP delegates, acting on recommendations from the
Association's Committee A on Academic Freedom and Tenure, placed
the following institutions on the list of censured
administrations:

CLARK COLLEGE, GEORGIA TALLEDEGA COLLEGE, ALABAMA

Censure, in each instance, was based on a detailed report prepared by an <u>ad hoc</u> investigating committee. The report was published in AAUP's journal, <u>Academe</u>.

The delegates also voted to remove the following three institutions from the list:

TROY STATE UNIVERSITY	(censured 1969)
LAREDO JUNIOR COLLEGE	(censured 1971)
VOORHEES COLLEGE	(censured 1974)

The full texts of the five specific recommendations

concerning censure, as presented by Committee A and acted on by

AAUP's Annual Meeting, are attached.

Five other statements presented by Committee A on conditions at particular institutions are also attached.

end



Censure was imposed on the administration of Laredo Junior College by the 1971 Annual Meeting following an investigating committee's report on the dismissal of a tenured faculty member. The report concluded that the faculty member, charged with unauthorized absence at a time when he was hospitalized, was dismissed without demonstration of adequate cause or adherence to stated college procedures. The faculty member subsequently initiated litigation, and the courts found that he was remiss in not having notified the college of the reasons for his absence. He died in 1981, removing the issue of redress from consideration.

A new administration, taking office at Laredo Junior College in 1985, informed the Association's staff that it was interested in resolving outstanding issues. It provided the staff with the text of revised regulations that incorporate essential elements of academic tenure with attendant protections of academic due process. The staff recommended additional revisions that would afford procedural safeguards for non-tenured faculty members: a year of notice after two years of service; a written statement upon request of the reasons for a decision against reappointment; opportunity for review of the decision by a faculty committee. These recommended revisions were approved last month by the administration and by the faculty senate.

A representative of the Association visited Laredo Junior College three weeks ago and met with the college president, the dean, the president of the faculty senate, and other members of the faculty. He has reported favorably on current conditions.

Committee A recommends to the Seventy-Second Annual Meeting that Laredo Junior College be removed from the Association's list of Censured Administrations.



The 1974 Annual Meeting voted to censure the administration of Voorhees College as the result of an investigating committee's report on nonreappointment and the subsequent dismissal of five faculty members. The investigating committee examined one of these cases in detail, concluding that it raised a serious issue of academic freedom and that adequate cause for dismissal was not established.

Shortly after the Association's investigation, major aspects of the stated college policies governing faculty appointments were revised so as to bring them into conformity with Association-supported ctandards. Successive presidents of the college over the ensuing years declined, however, to address the issue of redress for the faculty member whose case was the subject of the investigating committee's report.

In 1985, a new president took office and promptly expressed interest in achieving removal of the censure. He informed the Association's staff that the dismissed faculty member is currently incarcerated on a life sentence, which information has been verified.

The staff proposed additional revisions in the college policies so as to bring them into compliance with the Association's recommended standards in all significant respects. These proposed modifications—including the elimination of renewable non-tenure—track positions, clarification of the maximum probationary period, and the removal of rigid tenure quotas—were reviewed this spring by the administrative officers, members of the faculty, and the chair of the board of trustees. The president informed the staff last week that the modifications have all been accepted, that they will be incorporated in the new handbook to appear in the fall, and that he considers them to be currently in force.

An Association representative visited Voorhees College last week and met with administrative officers and faculty members. He has reported affirmatively on the current climate for academic freedom at the college.



Officers of the South Carolina Conference have been consulted and have expressed no concerns.

Committee A recommends to the Seventy-Second Annual Meeting that Voorhees College be removed from the Association's list of Censured Administrations.



TROY STATE UNIVERSITY (ALABAMA)

The administration of Troy State University was placed on censure by vote of the Fifty-Fifth Annual Meeting in 1969. The investigating committee's report that led to the censure concluded that the administration had denied reappointment to an instructor for reasons violative of his academic freedom. In another case that was brought to the Association's attention, noted in the 1982 published report on "Developments Relating to Censure," a faculty member at the university's branch campus in Dothan was notified of nonreappointment in apparent compliance with the institutional regulations then in force but in dicregard of Association—supported standards. He was released with four months of notice after having served beyond the maximum probationary period permitted under the 1940 Statement of Principles on Academic Freedom and Tenure.

Early in 1985, the Association's staff provided the administration, at its request, with an analysis of the provisions governing faculty appointments in the 1984 edition of the university's Faculty Handbook. Six months ago, officers of the administration visited the Association's office to discuss requisite revisions in the regulations and other steps which could lead to removal of the censure. All of the revisions that the staff recommended were approved over the ensuing weeks by the appropriate faculty committee and the responsible administrative officers. The 1986 Faculty Handbook, published in April, sets forth revised regulations that comport with Association-supported standards in all significant respects.

With regard to redress, the administration has provided the Association with checks payable to the instructor whose nonreappointment led to the censure in 1969 and to the faculty member whose services at the Dothan campus were terminated in 1982. Each has informed the Association that he will be pleased to accept the payment as full settlement of his case.

An Association representative, whose visit and purpose were



[Troy State University] publicized in advance, went to Troy State University last month and met with the chancellor, other administrative officers, and over twenty members of the faculty. He has reported positively on current conditions relating to academic freedom and tenure. The president of the Association's Alabama Conference has reported that he knows of no reason not to remove the censure at this time.

Committee A recommends to the Seventy-Second Annual Meeting that Troy State University be removed from the Association's lfs of Censured Administrations.



UNIVERSITY OF NORTHERN COLORADO

The University of Northern Coloradu was placed on the Association's list of Censured Administrations by vote of the 1984 Annual Meeting. The censure was based on an investigating committee's report describing action by the university administration on grounds of "program exigency" to terminate the services of forty-seven professors, thirtynine of them with tenure, without affording requisite safeguards of academic due process.

A supplementary report on the University of Northern Colorado, written by the Association's staff and approved by Committee A, was published in the November-December 1985 issue of Academe. The report deals with the administration's decision not to reappoint a professor who was an outspoken critic of the administration. This professor, among several activities, sponsored a petition expressing lack of confidence in the university president, called for the president's resignation, and spoke out against the president's release to the press in April 1984 of the draft report of the Association's investigating committee that had been sent to the administration on a confidential basis with an invitation for comments.

The supplementary report noted that according to available information the professor's performance as a member of the faculty had been uniformly praised by his colleagues and had not been questioned by the administration, nor had the need for continuing his position been under any question. The report stated in conclusion that available information suggested no reasons for not renewing the appointment of the faculty member that are permissible under generally accepted principles of academic ireedom.

Committee A, reviewing the events recounted in the supplementary report, notes that they present a bleak picture of conditions for academic freedom at the University of Northern Colorado.



PENNSYLVANIA STATE UNIVERSITY

This report on two cases of excessive probation, prepared by the Association's staff and approved for publication by Committee A, appeared in the May-June 1986 issue of Academe. It describes the cases of faculty members at branch campuses of Pennsylvania State University who were respectively in their twelfth and fifteenth years of continuous full-time service when they were evaluated for tenure, rejected under the decision-making process at the main campus, and notified of nonretention.

The 1940 Statement of Principles on Academic Freedom and Tenure calls for a maximum probationary period of seven years for all fulltime faculty members, regardless of rank, with retention beyond that period to be with continuous tenure. At Pennsylvania State University, on the other hand, faculty service at the rank of instructor or at other nonprofessorial ranks is not considered to be probationary, and it can continue indefinitely on renewable annual appointments at the administration's pleasure. Only upon promotion to an assistant professorship, usually upon completion of the doctorate, is the seven-year probationary period considered to have begun. The two faculty members whose cases were discussed in the staff report served as instructors for many years, teaching heavy loads each year, before the years viewed as probationary for them even commenced. As the report stated, they had taught at Pennsylvania State University well beyond any reasonable span of time for apprenticeship, being judged meritorious for reappointment again and again, before reaching a point where they were told that they were not deemed qualified for indefinite tenure and therefore must leave the institution.

The Pennsylvania State University administration, in responding to the report, stated that initial appointments below the rank of assistant



professor have become quite rare and thus additional cases of the kind described are increasingly unlikely. The report, however, concluded that any such cases, no matter how few, are inimical to widely accepted principles of academic freedom and tenure.

Committee A will retain the matter of excessive probation at

Pennsylvania State University on its agenda. It has asked the staff

to continue to work with interested faculty and administrative officers

at the university in seeking revisions in the institutional regulations

so as to prevent future cases of this kind.



TALLADEGA COLLEGE (ALABAMA)

The report of the investigating committee concerns the actions taken by the administration of Talladega College to terminate the services of three professors who were completing, respectively, their tenth, fifth, and first years on the college faculty. In the cases of the first two professors the administration summarily removed them from their academic responsibilities, locked them out of their offices, and banished them from the college campus. The third professor was notified at the end of the academic year, three months after other first-year faculty members were similarly notified, that her appointment would not be renewed for the following year. All three professors had on various issues been sharply critical of the administration's policies and practices.

The investigating committee found that the administration of Talladega College, in dismissing two of the professors without affording either of them a statement of charges or a hearing of record before a duly constituted faculty committee, acted in violation of the 1940 Statement of Principles on Academic Freedom and Tenure and in disregard of the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings. The investigating committee also found that the administration, in notifying the third professor late in the academic year that her appointment would not be renewed and in failing to provide her with an opportunity for appeal to an appropriate faculty committee, acted in disregard of the Association's Standards for Notice of Nonreappointment and its Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments. The investigating committee found further that the abrupt actions taken by the administration against these three professors, based significantly on displeasure with conduct by them that should have been protected under commonly accepted principles of academic freedom, were a gross violation of those principles. The committee concluded that the administration's



actions in the three cases, coupled with revised college regulations that severely curtail faculty prerogatives and remove safeguards of academic due process, have left academic freedom in jeopardy at Talladega College.

Committee A recommends to the Seventy-Second Annual Meeting that Talladega College be placed on the Association's list of Censured Administrations.



CLARK COLLEGE (GEORGIA)

The investigating committee's report deals with actions by the Clark College administration to terminate the appointments of two tenured professors with three months of notice. Both of them had been outspoken critics of the administration. The administration's stated ground for its action in one case was financial exigency, the existence of which it did not demonstrate. In the other case, the administration attributed its action to "nonperformance issues" but declined to specify them to the professor and afford him opportunity to respond to them.

In the case of the first professor, the administration extended her appointment for an additional year upon being apprised of the Association's concerns, and after the Association's investigation commenced it agreed to provide her with a hearing. The faculty hearing body recommended rescission of the administration's action against her. The administration did not at that time concur. Shortly after the investigating committee's report was published, however, the professor and the administration reached a settlement that led to her reinstatement to her tenured faculty position.

The case of the second professor regrettably reflects no such developments. The initial notice given to him was allowed to stand. The administration rejected repeated recommendations to specify its charges against him and to afford him opportunity for a hearing. The administration's summary action to dismiss this professor, the investigating committee concluded, was in violation of the 1940 Statement of Principles on Academic Freedom and Tenure and has had a negative impact on the climate for academic freedom at Clark College.

Committee A recommends to the Seventy-Second Annual Meeting that Clark College be placed on the Association's list of Censured Administrations.



MOUNT IDA COLLEGE (MASSACHUSETTS)

Committee A made the following statement concerning Mount Ida College to the 1985 Annual Meeting:

The report of the investigating committee discusses the Mount Ida College administration's decision not to renew the contract of an instructor who had served for eighteen years as a member of the college faculty. The instructor, who chaired a division, had been an outspoken critic of administration policy relating to his division, and he had been embroiled in disputes with administrative officers over other matters during his last year at the college.

Although the administration treated the case of this faculty member as if he were facing nonrenewal of an annual contract, the investigating committee found that the action against him, taken on scant notice against a senior faculty member after sharp criticism of his conduct, was tantamount to a dismissal for cause. The investigating committee concluded that the administration acted in violation of the 1940 Statement of Principles on Academic Freedom and Tenure in dismissing the faculty member without having demonstrated adequate cause before a duly constituted faculty hearing body and without having afforded other requisite safeguards of academic due process. The investigating committee concluded that the administration's decision to dismiss him from the faculty was based significantly on his criticism of administration policy that should have been protected under principles of academic freedom.

Finally, the investigating committee concluded that the current policies of Mount Ida College, which allow faculty members to serve indefinitely on renewable term appointments without the safeguards of tenure (and for the first five years without any procedural safeguards at all), leave academic freedom at the college, as the case that was investigated demonstrates, unassured.

Subsequent to the publication of the investigating committee's report, the Mount Ida College administration initiated discussions with the Association's staff looking toward a potential resolution of outstanding issues. The president of the college recently wrote, with the approval of the Board of Trustees, to authorize the Association to communicate an offer of financial settlement to the dismissed instructor; the instructor has informed the staff that he rejects the stated offer. The president also reported a recommendation by him to the board that it review the 1940 Statement of Principles and the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings "for the purpose of considering those portions which may be applicable" to Mount Ida College.



Committee A considers these developments, while insufficient, to be forward steps. It has asked the staff to pursue discussions with the administration and the instructor in the hope of achieving a mutually acceptable resolution of the instructor's case, to press for the adoption by the college of comprehensive policies that will protect academic freedom and tenure, and to keep the committee informed. Committee A therefore withholds a recommendation of censure at this time. It plans to report again on Mount Ida College to the 1986 Annual Meeting.

Over the past year, the staff has continued to work with the Mount

Ida College administration on the issue of redress to the dismissed
instructor and on the adoption of college policies protective of academic
freedom and tenure. This spring the administration and the board of
trustees approved an offer of financial settlement to the instructor at
doubtle the amount that was offered last year. Revisions in the college
policies, approved by the administration, were sent to the Association
within the past month. They assure all faculty members, after completion
of a seven-year probationary period, of continuous appointment with the
procedural safeguards against termination that are required under Associationsupported standards. The revised policies await formal ratification by
the faculty and the board, and Committee A expects to be informed shortly
that this has been accomplished.

Committee A commends the college administration on these salutary developments. It makes no recommendation regarding Mount Ida College to the Seventy-Second Annual Meeting.



JACKSON STATE UNIVERSITY (MISSISSIPPL)

The report of the investigating committee describes the termination of the appointment of an instructor who was completing her sixteenth year of continuous full-time service at Jackson State University. The administration informed her that it released her because of a declaration of financial exigency at the university by the Mississippi Board of Trustees for Institutions of Higher Learning.

The policy of the Mississippi board for the institutions under its jurisdiction does not permit faculty members holding the rank of instructor to obtain tenure but instead allows them to serve indefinitely on annual term appointments renewable at the administration's pleasure. The investigating committee emphasized that this policy is incompatible with the provisions of the 1940 Statement of Principles on Academic Freedom and Tenure. The committee found that the instructor, because of the length of her service, should have been afforded the safeguards of academic due process that accrue with tenure and that the administration acted in violation of the 1940 Statement of Principles in terminating her appointment without providing these safeguards. The committee found that the administration also violated the 1940 Statement of Principles by not demonstrating that the university was in a condition of financial exigency warranting the termination of the instructor's appointment. A new administration provided the instructor with a belated hearing, two years after she was released, but the investigating committee found that the heating, in which grounds for the action against the instructor were not established, was deficient under the provisions of Regulation 4(c) of the Association's Recommended Institutional Regulations on Academic Freedom and Tenure. Finally, the investigating committee, after observing that the policy of the Mississippi board is severely deficient in calling for only thirty days of notice to nontenured faculty members if they are



to be released within the term of their appointments because of financial exigency, found that the Jackson State University administration flagrantly departed from the Association's recommended standards for notice in the instructor's case. It informed her in June that her appointment had terminated in May, thus failing to provide her with any notice at all.

This spring, after the investigating committee's report was sent to the principal parties at Jackson State University, the president of the local AAUP chapter met with the university president to discuss the possibility of a settlement with the instructor whose appointment was terminated. The Association's staff wrote to the administration last month, expressing hope that a settlement could be effected promptly. Last week the executive vice president informed the staff that the administration had offered the instructor appointment to a half-time administrative position. Discussions on the precise terms of the appointment are at this time still in process.

Committee A has asked the staff to press for redress for the instructor and for assurance from the Jackson State University administration that key Association principles will henceforth be observed. Committee A makes no recommendation on Jackson State University to the Seventy-Second Annual Meeting. It will retain the matter on the agenda and will report back to the 1987 Annual Meeting.



SETOM HALL UNIVERSITY (NEW JERSEY)

Committee A made the following statement concerning Seton Hall University to the 1985 Annual Meeting:

The investigating committee's report concerns action by the Seton Hall University administration to dismiss a tenured professor, who had also been a diocesan priest, following his decision to leave the active ministry, his rejection of an order from his ecclesiastical superior transferring him from the university, and his resignation from the priesthood. The administration of the university, which operates under the auspices of the Roman Catholic Archdiocese of Newark, took the position that the professor's tenure on the faculty was conditional upon his remaining a priest in good standing in the archdiocese and thus that his university tenure terminated automatically upon the archbishop's order of reassignment.

The investigating committee found that the administration's decision to dismiss the prof ssor was based not on academic considerations internal to the university but on external considerations relating to ecclesiastical discipline and religious vocation. As a result, the committee reported, the university administration determined that it had no reason to consult with the professor or provide him with a statement of cause and opportunity for a hearing before it dismissed him. The investigating committee found that a condition that one remain a priest in good standing had not been specified to the professor, or to other similarly situated faculty members, upon being granted tenure. Finding that the professor did not lose his rights under academic tenure because of the archbishop's directive and because he resigned as a priest, the investigating committee concluded that the administration, in dismissing him summarily, acted in violation of the 1940 Statement of Principles on Academic Freedom and Tenure and in disregard of the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings. The committee found that the administration further violated the 1940 Statement of Principles by failing to provide the professor with severance salary.

The investigating committee noted a resolution, adopted by Seton Hall University's Board of Regents promptly after the professor rejected the archbishop's order of transfer, asserting that the continuing tenure of clerical and religious faculty members is conditioned on the discretionary authority and approval of their ecclesiastical superiors. The investigating committee concluded that this resolution, which deprives those affected of the safeguards of academic due process, is fundamentally at variance with the 1940 Statement of Principles and jeopardizes the continuing academic freedom of clerical and religious professors at Seton Hall University.



Finally, the investigating committee concluded that the stated procedures at Seton Hall University for the dismissal of faculty members, by failing to provide for a hearing before a duly constituted faculty body or for any other hearing on adequacy of cause, are seriously deficient when measured against the 1940 Statement of Principles and the 1958 Statement on Procedural Standards.

Following the publication of the investigating committee's report, members of the Seton Hall University faculty initiated discussions with administrative officers of the university, looking toward a resolution of key issues discussed in the report: reinstatement of the subject professor to his tenured faculty position; revision of institutional procedures with respect to dismissal-for-cause proceedings; and rescission of the June 1984 board of regents resolution relating to clerical and religious faculty.

Within this past week the university administration has offered the affected professor unqualified reinstatement to his tenured faculty position and, according to a statement issued by the administration—and concurred in by the professor—they "have reached an amicable settlement on all other matters in dispute between them." With respect to the dismissal procedures and the board resolution, the administration has expressed its commitment "to work toward conformity with the norms of AAUP."

Committee A commends the current administrative officers at Seton Hall University on their achievement of a satisfactory resolution of the professor's case. It has asked the staff to work with the administration and faculty of Seton Hall University in the months ahead in order to effect requisite changes in the institutional regulations and policies and to keep the committee informed. Committee A therefore makes no recommendation on Seton Hall University to the 1985 Annual Meeting. It will keep the matter on its agenda and report back to the 1986 Annual Meeting.

Revisions in the institutional regulations, prepared this past year by a faculty committee, provide Seton Hall University faculty members with procedural safeguards in a dismissal proceeding that comport with the Association's recommended standards. The university has now reconstituted its governing boards, reducing the degree of archdiocesan control. Restrictions on the tenure of clerical and religious faculty are currently being reviewed by the board of regents, and the administra-

1984 resolution is likely within the next year. Committee A is pleased to note these further developments and will monitor the status of the 1984 resolution during the course of the year. It makes no recommendation regarding Seton Hall University to the Seventy-Second Annual Meeting.



STATUS OF CASES AND COMPLAINTS AS OF MAY 31, 1986

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.44	1986	1985	1984	1983	1982	1981	
All complaints, not opened as cases currently being processed	728	629	685	616	549	483	
All cases currently being processed	229	251	244	251	223	233	
Total complaints and cases currently open	957	880	929	867	772		716
All complaints closed since May 1985	194	146	133	174	123	163	/10
All cases closed since May 1985	71	<u>41</u> .	47	45	49	103 54	
(closed following successful mediation by staff)	(37)	(29)	(30)	(30)	(28)	(25)	1
Total complaints and cases closed since May 1985	265	187	180	. 219	172		217
Total complaints and cases handled	1222	1067	1109	1086	944		33

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23